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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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JAMES LEVELS,	Case No. 3:16-cv-00667-MMD-WGC
	ORDER
v.	Plaintiff,
EDEN, <i>et al.</i> ,	
	Defendants.

This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a state prisoner. On October 2, 2017, the Court issued an order dismissing the complaint with leave to amend and directed Plaintiff to file an amended complaint within thirty days. (ECF No. 8 at 8.) The thirty-day period has now expired, and Plaintiff has not filed an amended complaint or otherwise responded to the Court’s order.

District courts have the inherent power to control their dockets and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action, with prejudice, based on a party’s failure to prosecute an action, failure to obey a court order, or failure to comply with local rules. See *Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (dismissal for noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with an order requiring amendment of complaint); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring *pro se* plaintiffs to keep court apprised of address); *Malone v.*

1 *U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply  
2 with court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal  
3 for lack of prosecution and failure to comply with local rules).

4 In determining whether to dismiss an action for lack of prosecution, failure to  
5 obey a court order, or failure to comply with local rules, the court must consider several  
6 factors: (1) the public's interest in expeditious resolution of litigation; (2) the court's need  
7 to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy  
8 favoring disposition of cases on their merits; and (5) the availability of less drastic  
9 alternatives. *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423-24; *Malone*,  
10 833 F.2d at 130; *Ferdik*, 963 F.2d at 1260-61; *Ghazali*, 46 F.3d at 53.

11 In the instant case, the Court finds that the first two factors, the public's interest in  
12 expeditiously resolving this litigation and the Court's interest in managing the docket,  
13 weigh in favor of dismissal. The third factor, risk of prejudice to Defendants, also weighs  
14 in favor of dismissal, since a presumption of injury arises from the occurrence of  
15 unreasonable delay in filing a pleading ordered by the court or prosecuting an action.  
16 See *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor — public  
17 policy favoring disposition of cases on their merits — is greatly outweighed by the  
18 factors in favor of dismissal discussed herein. Finally, a court's warning to a party that  
19 his failure to obey the court's order will result in dismissal satisfies the "consideration of  
20 alternatives" requirement. *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132-33;  
21 *Henderson*, 779 F.2d at 1424. The Court's order requiring Plaintiff to file an amended  
22 complaint within thirty days expressly stated: "It is further ordered that, if Plaintiff fails to  
23 file a first amended complaint curing the deficiencies outlined in this order, this action  
24 will be dismissed with prejudice, for failure to state a claim." (ECF No. 8 at 9.) Thus,  
25 Plaintiff had adequate warning that dismissal would result from his noncompliance with  
26 the Court's order to file an amended complaint within thirty (30) days.

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1 It is therefore ordered that this action is dismissed with prejudice based on  
2 Plaintiff's failure to file an amended complaint in compliance with this Court's October 2,  
3 2017, order.

4 It is further ordered that the motion to proceed *in forma pauperis* (ECF No. 1) is  
5 denied as moot.

6 It is further ordered that the Clerk of Court shall judgment accordingly.

7 DATED THIS 14<sup>th</sup> day of November 2017.

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11 MIRANDA M. DU  
12 UNITED STATES DISTRICT JUDGE  
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